

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America)
v.)
JORGE HUGO ORTIZ-ROJAS, a/k/a Andres Garcia Torres &) Case No: 5:02CR34-04
Andy Garcia) USM No: 19125-058
Date of Previous Judgment: November 3, 2003) James S. Weidner, Jr.
(Use Date of Last Amended Judgment if Applicable)) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 35 Amended Offense Level: 33

Criminal History Category: III Criminal History Category: III

Previous Guideline Range: 210 to 262 months Amended Guideline Range: 168 to 210 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

The reduced sentence is within the amended guideline range.

- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

- Other (explain): No reduction as Defendant was originally sentenced at the statutory minimum pursuant to USSG § 5K1.1. Thus, a reduction in his guideline range would not have resulted in a lesser sentence, as there was no waiver under 3553(e) filed at sentencing.

III. ADDITIONAL COMMENTS

****The defendant is also serving a consecutive sentence in Count Five on a conviction of 18 U.S.C. § 924(c).**

Except as provided above, all provisions of the judgment dated November 3, 2003 shall remain in effect.

IT IS SO ORDERED.

Order Date: December 18, 2009

Effective Date: _____
(if different from order date)

Richard L. Yorkess

Richard L. Voorhees
United States District Judge